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097502,330 03/30/90

SERIAL NUMBER FILING DATE FIRST NAMED INVENTOR ATTORNEY LOCKET NO

ATTN: WILLIAM J. BOND
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ST. PAUL, MN 55133-3427

BELL, J EXAMINER

154 UNIT 3 PAPER NUMBER

06/28/91

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-64 are pending in the application.
Of the above, claims 1-64 are withdrawn from consideration.
2. ☐ Claims 1-64 have been cancelled.
3. ☐ Claims 1-64 are allowed.
4. ☐ Claims 1-64 are rejected.
5. ☐ Claims 1-64 are objected to.
6. ☒ Claims 1-64 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on 06/28/91. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on 06/28/91, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed 06/28/91, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. 097502,330; filed on 03/30/90.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial No. 502,330

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Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-20, 25-37 and 57-64, drawn to an elastomeric laminate, classified in Class 428, subclass 515.

II. Claims 21-24, drawn to an elastic adhesive tape, classified in Class 428, subclass 343.

III. Claims 38-45, drawn to a method of forming a zone activatable in elastic laminate, classified in Class 264, subclass 211.12.

IV. Claims 46-56, drawn to diaper, classified in Class 604, subclass 358.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, IV and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the

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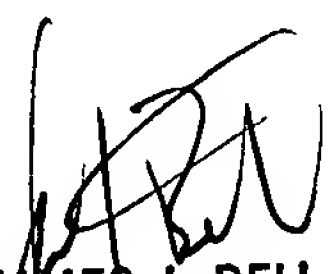
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Art Unit 154

instant case, the product as claimed can be made by a materially different process such as forming the elastomeric outer layer as preformed film without the extruding process.

Because these inventions are distinct for the reasons given above and the search required for Groups I, II and IV are not required for Group III restriction for examination purposes as indicated is proper.

James J. Bell:jp
June 20, 1991


JAMES J. BELL
PRIMARY EXAMINER
ART UNIT 154